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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,412	03/01/2002	Daniel Joseph Dove	100111298.1 (1964-11-3)	6219

7590 03/28/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,412

Applicant(s)

DOVE ET AL.

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart et al. (US Pat. 6,061,742).

In reference to claim 1, Stewart discloses a) the claimed controller operable to receive an activity level of a port from a processor associated with the port and to generate a signal that is related to the activity level, which is met by CPU 58 including a processor with a PC board connected LEDs used for indicating the status and network activity (col. 7, lines 15-25), and b) the claimed indicator device coupled to the controller and operable to indicate the activity level in response to the signal, which is met by LEDs may extend from the board to indicate status and network activity (col. 7, lines 15-25).

In reference to claim 2, Stewart discloses the claimed finite number of activity levels, which is met by Hub 50 and 150 used to carry identical traffic at all times (col. 6, lines 5-9).

In reference to claim 4, Stewart indicator device is a light emitting diode, which is met by LEDs may extend from the board to indicate status and network activity (col. 7, lines 15-25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al.

In reference to claim 3, although Stewart does not specifically disclose the claimed indicator device indicates activity by flashing, he does disclose LEDs may extend from the board to indicate status and network activity (col. 7, lines 15-25). It is well known in the art to flash LEDs. Since Stewart discloses LEDs used to indicate the activity of the network, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the LEDs to flash to ensure that the user is capable of determining any activity of the network.

5. Claims 5-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. in view of Gross et al. (US Pat. 6,339,584 B1).

In reference to claims 5, 9, 10, 15-24, Stewart discloses a) the claimed controller operable to receive an activity level of a port from a processor associated with the port and to generate a signal that is related to the activity level, which is met by PC board connected LEDs used for indicating the status and network activity. Connections 54 and 56, connecting serial port 66 and a port of hub 70 to network I/O interface 24 and console port 22 of computer 21 may be short

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“loop-back” type cables (col. 7, lines 15-25), and b) the claimed indicator device coupled to the controller and operable to indicate the activity level in response to the signal, which is met by LEDs may extend from the board to indicate status and network activity (col. 7, lines 15-25).

Stewart does not specifically disclose the claimed signal comprising a series of separated pulses, the separation between pulses being a non-linear function of the activity level. Gross discloses network system including a timing signal represented by a beat packet that is sent in pulses (col. 8, lines 19-40). Since Stewart discloses a system giving an indication of the network activity, it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit the activity level in pulses, as the pulse signal disclosed by Gross, with the system of Stewart, to provide controlled signals throughout time that accurately transmit the levels of activity over the network.

In reference to claims 6, 11, Stewart discloses the claimed finite number of activity levels, which is met by Hub 50 and 150 used to carry identical traffic at all times (col. 6, lines 5-9).

In reference to claims 7, 12, although Stewart does not specifically disclose the claimed indicator device indicates activity by flashing, he does disclose LEDs may extend from the board to indicate status and network activity (col. 7, lines 15-25). It is well known in the art to flash LEDs. Since Stewart discloses LEDs used to indicate the activity of the network, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the LEDs to flash to ensure that the user is capable of determining any activity of the network.

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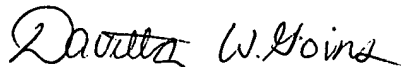
In reference to claims 8, 13, Stewart indicator device is a light emitting diode, which is met by LEDs may extend from the board to indicate status and network activity (col. 7, lines 15-25).

6. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. DiGiovanni (US Pat. 5,487,666), Gross et al. (US Pat. 5,761,431), and O'Callaghan et al. (US Pat. 6,256,318 B1), which are references that disclose network activity.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.



D.W.G.
March 18, 2003

Davetta W. Goins
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